

Jailhouse Letters by Mike Kemp

... But what's wrong with the general run of American these days?

I am busy of mind this Independence Day. I just finished an application for Habeas Corpus for an inmate who, upon his release from jail on an unrelated charge, was rounded back up and jailed again for failing to pay child support. While previously in jail, he paid child support from work-release, but when he was let out of jail the job ended, and he was unemployed, without resources, and indigent.

Alabama law provides that failure to obey an order must be "willful," also that there is "ability to pay;" he has acknowledged patently, has, in the past, paid when he was able. Therefore, he is not in violation. The petition is modeled on one written for me, which failed, but only because it was before the same gang of crooks that put me here.

My new set of lawyers are abysmally ignorant of the Constitution; they seem to be amused by my "quaint and unique legal theories," and are solely concerned with overcoming the "procedural hurdle" presented by my failure to bring a pre-trial motion to suppress.

This despite the undisputed fact that the warrant was separated into two parts (officer's affidavit and everything else), the officer's affidavit denied to me until open court at trial, and then over the objection of the DA, that the officer's affidavit lacked any probable cause, that the warrant grossly exceeded anything offered by the officer, and that items seized grossly exceeded the scope of the already overbroad warrant.

This, on the one hand; then, on the other, several folks with whom I correspond tell me that the winds of change are beginning to blow, that Americans are getting fed up, that I am making a difference.

I see the people who are already committed hard at work, but I see little effect amongst the ostriches and sheeple.

My eyes, and my lawyers tell a consistent story - "big government" and the "big media" are firmly in control, an immovable, unassailable monolith. My lawyer knows the Bar Association rules, but won't invoke Rule 1 - all subsequent rules are to insure

justice. It's personalities, and maneuvering, and the futility of a Constitutional approach. They know nothing of the common law (a man's right to till the earth, to put seeds in the dirt and reap a harvest for his use), claiming that Alabama went to a "statutory system."

They are restrained from filing a Habeas by Bar Association rules, which require this "Rule 32" approach, which totally ignores the Constitution in favor of "rules." By this approach, the judge can docket a "Rule 32" hearing for 42 days into the future, then after the hearing wait 60 days before ruling.

He doesn't even have to rule. He can "pocket veto" it, and lawyers can't appeal till the 102 days are up. Then it starts over at the next level. "The judge would never do that," they say.

I tried to talk to them about going after the police who trespassed without a warrant, who assaulted me with deadly weapons without a warrant, who stole my firearms without a warrant while I lay face down on my porch with guns at my head, for bringing the media along when they had no lawful excuse to be there themselves (the police, that is). It was clear that they were not even conversant enough with the facts to know that all the above was established, admitted truth.

Third Amendment protection of private property, going hand-in-hand with subsequent Fourth Amendment protection? Huh? Ninth Amendment? What's that?

"The Supreme Court just threw out the Brady Bill," they said, trying to make me feel better, I guess.

And I said "On Tenth Amendment, shaky technical grounds! What's wrong with the clear cut Second Amendment?" And they hung their heads.

It's going to be a long, uphill battle, Oral. What they, and my grandparents, and their neighbors want is for me to be a "good boy," beg mercy, and get the sentence commuted to time served or probation, a promise to "behave." Paine said it best: There are persons who see not the full extent of the evil that threatens them; they solace themselves with hopes that the enemy, if they succeed, will be merciful. It is the madness of folly to expect mercy from those who have refused to do justice; and even mercy, where conquest is the object, is only a trick of war: the cunning of the fox is as murderous as the violence of the wolf; and we ought to guard equally against both."

The lawyers DID say they ought to repeal the income tax Amendment, but followed it up with a statement to the effect that "then they wouldn't have any money." Of course,

there IS no lawful money, and the income tax only brings in enough to pay interest on the debt.

The fact that it took an unConstitutional Amendment to "outlaw" alcohol, seemed of no import to him. He thought that the "police powers" of the states took precedence over Genesis 1:29, and certainly thought that a First Amendment argument was fruitless.

He wanted to argue that the 14th Amendment was all that applied the Bill of Rights to the states, and I pointed out that there is no such thing as a "U.S. citizen" in the body of the Constitution, only "free persons of the several states."

We "...are endowed by our Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness, that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ... all experience hath shewn, that Mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed ...

... But when a long train of abuses and usurpations, pursuing invariable the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their DUTY, to throw off such government, and to provide new guards for their future security ..."

I would never denigrate your efforts, Oral, but what's wrong with the general run of American these days?

I must confess to absolute bewilderment, some days. And, sad to say, this isn't one of my "better days." Sorry to "unload" on you. In God's time ... and I plead for His strength, His patience.

In Liberty,
[William Michael Kemp](#),
Gadsden County Jail
4 July 1997

There is a *happy* ending to the above letter-- the inmate for whom the Habeas petition was mysteriously and suddenly set free when wind of the Habeas spread through the snitch network. *They* knew that to allow a Habeas on those grounds to succeed would deprive them of a lot of money as well as force the release of a LOT of people wrongfully incarcerated, and perhaps opened some officials up to *legal action.* -----M.K.

I have some sad news for you -- the Big Boys will have contempt for you whether you rebel or submit. Better, then, to rebel. I say it's TIME the rabble were roused.

--Jim Goad, *The Redneck Manifesto*

And how we burned in the camps later, thinking: What would things have been like if every Security operative, when he went out at night to make an arrest, had been uncertain whether he would return alive and had to say good-bye to his family? Or if, during periods of mass arrests, as for example in Leningrad, when they arrested a quarter of the entire city, people had not simply sat there in their lairs, paling in terror at every bang of the downstairs door and at every step on the staircase, but had understood they had nothing left to lose and had boldly set up in the downstairs hall an ambush of half a dozen people with axes, hammers, pokers, or whatever else was at hand....The Organs would very quickly have suffered a shortage of officers and transport and, notwithstanding all of Stalin's thirst, the cursed machine would have ground to a halt!

--Alexandr Solzhenitsyn, *The Gulag Archipelago*

Another *squeeze* that could well go unnoticed

Recently, the U.S. Supreme Court ruled that a convicted, violent sex offender could be retained in custody, even though he had fully served his sentence as imposed upon him. It was not a matter of parole, nor suspended sentence, nor probation.

He had not threatened anyone specifically; he was not considered insane, per se. However, it did seem to be a carefully constructed and chosen case, and argued and decided in very specific way. He was adjudged a danger to himself, and the community. He was judged to be abnormal.

As mentioned, this case, as is often the case with the U.S. Supreme Court, was ripe for precedent.

It should come as no surprise that the "movement" which I shall broadly label as "Patriot," including all the variations of those who oppose the direction in which

government is moving, and the methods employed, is considered by government as a serious problem.

This "problem" has proven difficult to manage, for it is difficult, even in today's climate, to manufacture criminals quickly enough to serve as discouraging examples for the sheer number of Americans who are waking up.

Many, or most, perhaps nearly all the Patriot leaders are simply concerned Americans; they read history and philosophy; they remember the peace and strength of a far more rational society, and they demand a change of direction from our socialist, globalist national government, and our self-serving local governments.

In short, we are decidedly non-criminal, but extremely threatening, since we often, through calm and rational appeal, awaken more and more of our fellow Americans.

If government attempt to continue manufacturing criminals, there will come a time when the best of jury selection procedures will begin to fail them, and ready conviction will no longer be assured. Government cannot run this risk.

This precedent will allow government to simply lock away those of us considered *by them* to be abnormal.

They chose their precedent carefully--who wants a child molestor running loose?

But, ladies and gentlemen, how long will it be before those who believe that "the right of the people to keep and bear arms" are considered "dangerous" to themselves and society?

[William Michael Kemp,](#)

Gadsden County Jail

22 July 1997

MAGISTRATE DISMISSES CHARGES AGAINST RUBY RIDGE MAN

An Idaho magistrate Thursday dismissed state charges of murder and aggravated assault against Kevin Harris, accused of killing a law enforcement officer in the 1992 Ruby Ridge siege. Idaho Magistrate Judge Quentin Harden agreed with Harris' lawyer, ruling that Idaho law prevented the state from trying Harris for first degree murder and aggravated assault after he had been acquitted of those charges in a

federal court. The law in question says no person can be tried in an Idaho court if he or she has been tried in a court in "another state."

Story at <http://www.infobeat.com/stories/cgi/story.cgi?id=3D5239407-20c>

My question.

Did the prosecutor who charged Kevin Harris not know the law? It makes me mad that so many Americans have to pay lawyers when they should never have been charged or imprisoned in the first place. -----comment from a forwarder of this post--
- M.K.